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Attorney Docket # 84894-6

TECH CENTER 1600/2900

1653
JAN 16 2004

RECEIVED

EXAMINER Laurie A. Mayes
GROUP 1653
APPLICANT Gordon W. Glazner
SERIAL NO: 09/878,918
FILED June 13, 2001
FOR THERAPEUTIC USES FOR IP3 RECEPTOR-MEDIATED
CALCIUM CHANNEL MODULATORS

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202
U.S.A.

Dear Sir:

PETITION TO WITHDRAW NOTICE OF ABANDONMENT
UNDER 37CFR 1.53 (f) or (g)

Enclosed is copy of the notice to file missing parts which was mailed on November 14, 2003. We believe that this notice was sent out in error and ask that the application be restored to pendency.

Specifically, it is noted that this notice of abandonment states that the application was abandoned for failure to timely or properly reply to the notice to file missing parts mailed on November 10th, 2003.

It is hereby declared that no such Notice to File Missing Parts has been received. It is also noted that applicant was only permitted with four days in which to reply before the Notice of Abandonment was sent. Furthermore, the Notice of Abandonment itself merely states that no reply was received and does not made it clear exactly what documents were missing and needed to be supplied. In view of this, it is believed that this Notice was sent out in error.

Furthermore, it is noted that while the applicant and attorney docket numbers are correct, the application number listed on the notice of abandonment dated November 14th, 2003 is incorrect and the proper serial number for this application is 09/878,918.

It is further noted that this application was designated as being complete on May 1st, 2002 as evidenced by the enclosed copy of the status reporting section of the USPTO webpage.

It is noted that the last correspondence received by applicant regarding this application was a notice of restriction/election which was dated July 2nd, 2003 with the initial deadline for responding being August 2nd, 2003. It is not believed that this notice to file missing parts relates to this response because the deadline for responding with the maximum of five 1-month extensions was January 2nd, 2004.

Furthermore, a response to the election requirement along with a request for a two month extension was filed on September 30th, 2003. A copy of the response as filed as well as a copy of the cashed money order in the amount of \$205.00 and a copy of the receipt card are enclosed herewith.

When preparing this reply, it was noted that the serial number appearing on both the receipt card and the response is also incorrect and lists the serial number as 09/576,130 when in fact it should read 09/878,918. However, it is noted that the inventor name, invention title, Examiner name and filing date were all correct. However, the correct serial number has been indicated hereon in pen to assist the Examiner.

It is further noted that the USPTO website also indicates that this application was docketed to the Examiner on October 2nd, 2003, which is shortly after the response had been filed which leads us to believe that it was received by the United States Patent Office. A call to confirm that this was in fact the case with the Examiner placed on December 23rd has not yet been returned.

Based on the fact that the USPTO webpage indicates that the application was complete and it was forwarded to the Examiner, that the serial number indicated on the notice to file missing parts is incorrect, that the initial notice to file missing parts was not received and was apparently issued four days prior to the notice of abandonment being sent, it is believed that that this notice was sent in error. Based on this, it is respectfully requested that the application should be restored to pendency.

As discussed above, a response to the election/restriction requirement was submitted with a two month extension and was received by the United States Patent and Trademark Office. In the event that these documents were misplaced due to the incorrect file number, copies are enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No: 01-0310. A duplicate copy of this sheet is enclosed.

Respectfully submitted

Gordon W. Glazner

PER: 
 Michael R. Williams
 Registration No: 45,333

MRW/its
 January 12, 2004
 Enc.(6)
 Michael R. Williams

Winnipeg, Manitoba, Canada
 Telephone (204) 947-1429 - FAX (204) 942-5723



**PATENT OFFICE HEREBY ACKNOWLEDGES
RECEIPT OF THE FOLLOWING ENVELOPES:**

PLEASE RETURN TO: Ade & Company
1700-360 Main Street
Winnipeg, Manitoba, Canada
R3C 3Z3

FED EX WAYBILL :

September 30, 2003

1. 84894-602 Gordon Glazner
Response

**THE PATENT OFFICE HEREBY
ACKNOWLEDGES
RECEIPT OF THE FOLLOWING**

DATED: September 30, 2003

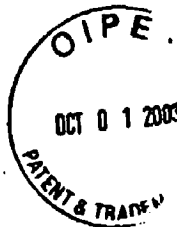
**Filing: Petition for Extension of time in duplicate; M.O.
\$205.00; Response**

APPLICANT: Gordon Glazner

SERIAL NO. ^{09/878,918} 09/578,130

CASE NO. 84894-602

dj



U.S. DOLLAR WORLD MONEY ORDER

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COMMISSIONER PATENTS AND TRADEMARKS

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205.00

NOT TO EXCEED ONE THOUSAND U.S. DOLLARS
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Gordon M. Mainer
NAME OF SENDER
FEDERAL GOVERNMENT

TO
A

ROYAL BANK OF CANADA
BANQUE ROYALE DU CANADA
NEW YORK, N.Y.

ADDRESS OF SENDER
01/576-130

ADDRESS OF THE EXPEDIENT

FORM 1017 (03-0000) RETURN 8 YEARS
EXPIRATION DATE

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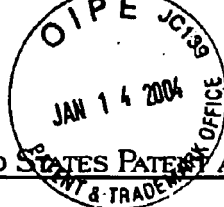
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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/878,322 09/878,918	06/12/2001	Gordon W. Glazner	84894-602 MRW

RECEIVED

CONFIRMATION NO. 2129

23529
ADE & COMPANY
1700-360 MAIN STREET
WINNIPEG, MB R3C3Z3
CANADA

NOV 25 2003

ABANDONMENT/TERMINATION
LETTER



OC000000011231920

ADE & COMPANY

Date Mailed: 11/14/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/10/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Request w/ldelays
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE